

DSCC Nepotism Policy

I. Purpose

Dyersburg State Community College (DSCC) has established a nepotism policy that is to be implemented on a campus-wide basis. The purpose of this policy is to establish the criteria and process for employment of relatives at the college.

II. Scope

This policy applies to all DSCC employees.

III. Policy

General Statement

- A. State nepotism law is designed to prevent occurrences whereby relatives who are employees of the State are in a direct supervisory line with respect to each other. In order to guard against these practices, the State prohibits governmental employees who are relatives from being placed within the same line of supervision where one relative is responsible for supervising the job performance or work activity of another relative.
- B. The provisions of this guideline are not to be construed to limit the hiring, promotion, or employment opportunities of any particular group of applicants.

Application

- A. Tennessee Board of Regents policy on nepotism shall be applied as follows:
 1. The nepotism policy applies to any person who is employed as a full, part-time, student or temporary employee by a Tennessee Board of Regents institution.
 2. The nepotism policy does not apply to individuals hired prior to July 1, 1980, and shall not be retroactively applied; however, change in the status of employees hired prior to 1980 shall be governed by this policy.
 3. The employment of relatives is permitted; however, no employee shall participate in the process of review, recommendation and/or decision making in any matter concerning hiring, opportunity, promotion, salary, retention, or termination of a relative as herein defined.
 - i. Pursuant to this provision, a relative may serve an administrative function within the same institution, college or unit so long as the duties do not require or include participation in the process of review, recommendation and/or decision making in any matter concerning hiring, opportunity, activities, promotion, salary, retention or termination of a relative as defined by T.C.A. § 8-31-102.
 - ii. An administrator shall not make employment decisions and/or recommendations which impact a relative individually; however, the policy does not prohibit an administrator who does not otherwise violate the nepotism policy, from making recommendations that pertain to all

faculty and/or staff members at an institution while they have a relative who is a faculty or staff member.

4. The nepotism policy shall not be used or considered in the granting of tenure.

Hiring

- A. In searching for qualified candidates for a new or vacated position persons responsible for recruitment shall evaluate each individual on their merits without consideration of their relationship to another employee.
- B. Prior to hiring any individual, the department wishing to hire the individual must conduct an analysis to assure compliance with state law.

Remedies

- A. The institution may remedy any violation of this policy by voluntary transfer, or if an agreement cannot be reached, by involuntary transfer, from a unit or position, or by termination when appropriate.

Pursuant to T.C.A. § 8-31-101, et. seq, the following shall be the nepotism policy for the College:

Employment of Relatives

- A. Effective July 1, 1980, no employees of DSCC who are relatives shall be placed within the same direct line of supervision whereby one relative is responsible for supervising the job performance or work activities of another relative; provided, however, that to the extent possible, this policy shall not be construed to prohibit two or more such relatives from working for the College.
- B. When employees of DSCC become in violation of subsection A as a result of marriage, the violation shall be resolved by means of transfer within the College, transfer to another institution or school, or resignation as may be necessary to remove the violation. If transfer alternatives are available, the employees shall be given the opportunity to select among the available alternatives; provided that if the employees are unable to agree upon any such alternative within sixty days, the appointing authority shall take appropriate action to remove the violation.
- C. In the case of employment relationships which would otherwise violate subsection (a) but which were in effect prior to July 1, 1980, the employment of the employees shall not be affected by this policy, provided that the College takes appropriate action to insure that employees neither initiate nor participate in college decisions involving a direct benefit (retention, promotion, salary, leave, etc.) to a relative.
- D. The College shall apply the foregoing in a non-discriminating manner, and shall insure that the implementation of this policy does not adversely affect employees of one sex over those of the opposite sex.

IV. Compliance

All Dyersburg State Community College employees are expected to adhere to this policy.

V. Definitions

Nepotism - Favoritism shown to relatives or close friends by those with power or influence.

Relative is defined as "a parent, foster parent, parent-in-law, child, spouse, brother, foster brother, sister, foster sister, grandparent, grandchild, son-in-law, brother-in-law, daughter-in-law, sister-in-law, or other family member who resides in the same household". (T.C.A. § 49-8-203; 8-31-102)

VI. Revision History

Revised March, 1990

Revised March, 2012 subject to Administrative Council Approval

Revised September 2023 to incorporate TBR's nepotism guideline, approved September 28, 2023 by Administrative Council.